of the contagious nature of a case assigned to her. The court points out that the hospital is incorporated under a general charter, and that although it has no capital stock and made no division of profits, and all its property was devoted to charitable uses, it is liable, and cites a number of English and American cases. The court also rejected the contention that as the plaintiff was an apprentice learning a trade, she was not a servant, and that the corporation was therefore relieved of its ordinary duty to her in that capacity.

Libel—Liability of Managing Editor.—The Circuit Court of Appeals for the Second Circuit in Folwell *v.* Miller, 145 Federal Reporter, 495, holds that the editor in chief having general supervision of the matter contained in a newspaper is not responsible for a libel of which he had no actual knowledge. It seems that the publication was caused by a subordinate during the absence of the editor in chief. The court points out that it has never been really decided that the liability of the editor is co-extensive with that of the proprietor, and declined to approve cases which tend to hold this doctrine.

Eminent Domain — Right of Way through Cemetery. — Judge Wilkes, speaking for the Supreme Court of Tennessee in the case of Memphis State Line R. Co. *v.* Forest Hill Cemetery Co., 94 Southwestern Reporter, 69, very tersely summarizes the holding of the court with the statement that "the wheels of commerce must stop at the grave." It was sought to have a right of way for the railroad condemned through a portion of the cemetery which had not as yet been used for burial purposes, for the reason that other available rights of way would be more difficult and more expensive to prepare.

Constitutional Law—Statute Discriminating against Patented Article.—An Arkansas statute providing that every negotiable instrument taken in payment for a patented article must be executed on a printed form, showing that it was so taken, is held by the United States Circuit Court of Appeals for the Eighth Circuit in Ozan Lumber Co. *v.* Union County Nat. Bank, 145 Federal Reporter, 344, to be unconstitutional, for the reason that it creates a discrimination between the articles of property of the same class or character, the discrimination being based on the fact alone that the article is protected by a federal patent. The court distinguishes several somewhat similar enactments in other states, and points out that, if such a statute could be lawfully enacted, the state might with equal reason destroy the negotiability of notes taken by national banks or by citizens of other states, or in interstate commercial arrangements, etc.

Carriers—Who Are Passengers?—The Supreme Court of Massachusetts in the case of Fitzmaurice *v.* New York, New Haven & Hartford R. Co., 78 Northeastern Reporter, 418, makes a decision

upon the interesting question of whether a person is being carried as a passenger. In this case the person injured as the result of a collision had obtained a ticket by presenting to the agent a forged certificate to the effect that she was under eighteen, and a pupil in a certain school, the railroad having contracted to convey pupils at reduced rates. The holding is to the effect that the carriage of the person was brought about by fraud and that she was not a passenger.

Regulation of Hours of Labor.—The Oregon law regulating the employment of women in factories, etc., and prohibiting work for more than ten hours a day, was before the court in State *v.* Miller, 85 Pacific Reporter, 855. The court concedes that the right to contract is a constitutional guaranty which cannot be arbitrarily interfered with by the legislature, but maintains that the fourteenth amendment to the federal constitution was not intended to limit the police power of the state, and that reasonable regulations for the promotion of the welfare, morals, and good order of the people were not in conflict with this amendment. In sustaining this enactment as a reasonable exercise of the police power, the court follows Massachusetts, Nebraska, and Washington, and disapproves of the contrary holding in Illinois.

Dangerous Machinery—Liability of Master.—The Appellate Division of the Supreme Court of New York in Creswell *v.* United States Shirt & Collar Co., 100 New York Supplement, 497, in holding that an employer is not liable for an injury to an employee caused by the flying back of the lever on a printing press and so startling the employee operating it that he involuntarily thrust his hand into the machinery and was injured, makes the following statement on the subject of negligence of employers: "Failure to guard against that which has never occurred and which is very unlikely to occur, and which does not naturally suggest itself to prudent men as something which should be guarded against, is not negligence." In the case in question, no accident of the kind having occurred in nine years' use of the press, the court holds that the master was not negligent.

Game Laws.—The game law of Arkansas has again been construed by the Supreme Court of that state in Wells-Fargo Express Co. *v.* State, 96 Southwestern Reporter, 189, in which the express company was prosecuted and convicted for receiving a shipment of game for transportation in packages marked as containing furs. The court holds that the fact that the express company had no knowledge as to the contents of the packages was not a defense. They also hold that shipments beyond the state may be properly covered by a state law in view of acts of congress giving this authority.

Slot Machine Sales on Sunday.—The South Carolina Sunday law prohibiting labor of persons on the Sabbath was construed in Kane